IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 16 OF 2005.
-: ALONG WITH :-
LETTERS PATENT APPEAL NO. 485 OF 2004
IN
WRIT PETITION NO. 6510 OF 2005

The State of Maharashtra & Ors. ... ... Applicants..
Versus
Sitaram U. Shetty and Anr. .... Respondents.

Mr. C. R. Sonawane, AGP for the Applicants.
Mr. S. V. Sadavarte for the Respondents.

CORAM : DALVEER BHANDARI, C. J. &
S. A. BOBDE, J.

DATED : FEBRUARY 14, 2005.

P.C. :

This Letters Patent Appeal is directed against the order dated 22nd November, 2004 passed by the learned single Judge in Writ Petition No. 6510 of 2004.

2. The Writ Petition was directed against the order passed

by the State Minister, Home/City, in REH 01/2003/393 SP.BR-5 dated 30th June, 2004.

3. The State Minister, after hearing the parties and perusing the papers and proceedings, came to the conclusion that the petitioner has committed breach of the terms and conditions of the licence, and has violated Rules 8(1), (2), 14(A) of Place of Public Entertainment Rules,1953 and Rule 123 of Place of Public Amusement Rules, 1960.

4. It is pertinent to mention that the Deputy Commissioner of Police (Head Office-1), by his order dated 5th June, 2003, has indicated that as many as 14 violations have been committed by the petitioner. In the name of entertainment, the female dancers used to get involved in obscene behaviour and indirectly this could not have taken place without his instructions or knowledge, therefore there is clear inference that he abetted to it. The petitioner is guilty of violating Section 131-A of the Bombay Police Act, 1951.

5. The Minister has re-examined the entire issue and clearly pointed out that the petitioner is guilty of violating the rules with impunity.

6. On consideration of the totality of the facts and circumstances in our considered opinion, no interference is called for.

7. This Letters Patent Appeal, being devoid of any merit, is accordingly dismissed.

8. Consequently, the Civil Application is also dismissed.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.